

# SENATE BILL 426

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11r1742  
CF 11r2503

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By: **Senator Reilly**

Introduced and read first time: February 4, 2011

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Pregnancy Outcomes – Confidential Statistical Reporting Requirements**

3 FOR the purpose of requiring certain hospitals and facilities to report pregnancy  
4 terminations to the Department of Health and Mental Hygiene; requiring a  
5 certain report completed by a hospital or facility to meet certain requirements  
6 and to include certain information; requiring certain physicians to submit a  
7 certain report to the Department within a certain period of time; requiring the  
8 Department to submit a certain annual report to the Governor and General  
9 Assembly; providing that certain reports required under this Act are not public  
10 records and are confidential; providing for certain penalties; requiring the  
11 Department to adopt certain regulations; authorizing the State Board of  
12 Physicians to provide for certain disciplinary action for a licensee who violates  
13 certain provisions of this Act; and generally relating to the reporting of  
14 pregnancy terminations.

15 BY adding to

16 Article – Health – General

17 Section 20–217 to be under the new part “Part V. Reporting Requirements”

18 Annotated Code of Maryland

19 (2009 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Health Occupations

22 Section 14–404(a)(40) and (41)

23 Annotated Code of Maryland

24 (2009 Replacement Volume and 2010 Supplement)

25 BY adding to

26 Article – Health Occupations

27 Section 14–404(a)(42)

28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2010 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Health – General**

5 **20–215. RESERVED.**

6 **20–216. RESERVED.**

7 **PART V. REPORTING REQUIREMENTS.**

8 **20–217.**

9 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
10 SUBSECTION, A HOSPITAL OR FACILITY IN WHICH A PREGNANCY IS TERMINATED  
11 SHALL REPORT THE PREGNANCY TERMINATION TO THE DEPARTMENT.

12 (2) THIS SECTION DOES NOT APPLY TO A HOSPITAL, AS DEFINED  
13 IN § 19–301 OF THIS ARTICLE, THAT SUBMITS INFORMATION ON PREGNANCY  
14 TERMINATIONS TO THE STATE HEALTH SERVICES COST REVIEW COMMISSION.

15 (B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:

16 (1) SHALL BE MADE ON A FORM DEVELOPED BY THE  
17 DEPARTMENT;

18 (2) SHALL BE COMPLETED BY THE HOSPITAL OR THE FACILITY IN  
19 WHICH THE PREGNANCY TERMINATION OCCURRED AND SIGNED BY THE  
20 PHYSICIAN WHO PERFORMED THE PROCEDURE;

21 (3) SHALL BE TRANSMITTED ANNUALLY TO THE VITAL  
22 STATISTICS ADMINISTRATION IN THE DEPARTMENT WITHIN 15 DAYS AFTER  
23 EACH REPORTING YEAR;

24 (4) MAY NOT INCLUDE THE NAME OF THE PATIENT WHOSE  
25 PREGNANCY WAS TERMINATED; AND

26 (5) SHALL INCLUDE THE FOLLOWING INFORMATION:

27 (i) THE NAME OF THE FACILITY WHERE THE PREGNANCY  
28 TERMINATION OCCURRED;

1                   **(II) THE COUNTY AND STATE OF RESIDENCE OF THE**  
2 **PATIENT;**

3                   **(III) THE AGE, RACE, AND MARITAL STATUS OF THE PATIENT;**

4                   **(IV) THE NUMBER OF PRIOR PREGNANCIES AND OUTCOME**  
5 **OF EACH PREGNANCY OF THE PATIENT;**

6                   **(V) THE ESTIMATED GESTATIONAL AGE OF THE FETUS AT**  
7 **THE TIME THE PREGNANCY WAS TERMINATED;**

8                   **(VI) THE DATE ON WHICH THE PREGNANCY WAS**  
9 **TERMINATED AND THE METHOD USED BY THE PHYSICIAN TO TERMINATE THE**  
10 **PREGNANCY;**

11                   **(VII) A DESCRIPTION OF ANY COMPLICATIONS THAT**  
12 **OCCURRED WHEN THE PREGNANCY WAS TERMINATED OR WHEN AN ATTEMPT**  
13 **WAS MADE TO TERMINATE THE PREGNANCY; AND**

14                   **(VIII) THE PRIMARY REASON PROVIDED BY THE PATIENT FOR**  
15 **TERMINATING THE PREGNANCY, INCLUDING RAPE, INCEST, FINANCIAL**  
16 **HARDSHIP, PHYSICAL OR MENTAL INFIRMITY, SERIOUS FETAL DEFORMITY,**  
17 **PRESSURE FROM OTHER INDIVIDUALS, ILL-TIMED PREGNANCY, OR**  
18 **ABANDONMENT BY THE FATHER OF THE FETUS.**

19           **(C) (1) A PHYSICIAN WHO PROVIDES MEDICAL CARE TO A PATIENT**  
20 **AND WHO DETERMINES THAT MEDICAL CARE IS REQUIRED DUE TO**  
21 **COMPLICATIONS RESULTING FROM THE TERMINATION OF A PREGNANCY OR AN**  
22 **ATTEMPT TO TERMINATE A PREGNANCY SHALL SUBMIT A REPORT TO THE**  
23 **DEPARTMENT WITHIN 30 DAYS AFTER THE FIRST TREATMENT OF THE**  
24 **COMPLICATIONS.**

25                   **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**  
26 **SUBSECTION SHALL BE ON A FORM DEVELOPED BY THE DEPARTMENT AND**  
27 **SHALL INCLUDE:**

28                   **(I) THE AGE OF THE PATIENT;**

29                   **(II) THE NUMBER OF PREGNANCIES THE PATIENT HAD**  
30 **PRIOR TO THE MEDICAL COMPLICATIONS RESULTING FROM THE PREGNANCY**  
31 **TERMINATION OR ATTEMPTED PREGNANCY TERMINATION;**

1                   **(III) THE NUMBER AND TYPE OF PREGNANCY TERMINATIONS**  
2 **THE PATIENT HAD PRIOR TO THE MEDICAL COMPLICATIONS RESULTING FROM**  
3 **THE PREGNANCY TERMINATION OR ATTEMPTED PREGNANCY TERMINATION;**

4                   **(IV) THE NAME AND ADDRESS OF THE FACILITY WHERE THE**  
5 **PREGNANCY TERMINATION RESULTING IN THE MEDICAL COMPLICATIONS WAS**  
6 **PERFORMED;**

7                   **(V) IF KNOWN, THE GESTATIONAL AGE OF THE FETUS AT**  
8 **THE TIME OF THE PREGNANCY TERMINATION THAT RESULTED IN THE MEDICAL**  
9 **COMPLICATIONS;**

10                   **(VI) IF KNOWN, THE TYPE OF PREGNANCY TERMINATION**  
11 **PROCEDURE THAT RESULTED IN THE MEDICAL COMPLICATIONS;**

12                   **(VII) THE MEDICAL TREATMENT PROVIDED TO THE PATIENT**  
13 **TO EASE OR ELIMINATE THE MEDICAL COMPLICATIONS FROM THE PREGNANCY**  
14 **TERMINATION OR ATTEMPTED PREGNANCY TERMINATION; AND**

15                   **(VIII) THE NATURE AND EXTENT OF ANY KNOWN PERMANENT**  
16 **CONDITION RESULTING FROM THE MEDICAL COMPLICATIONS.**

17           **(D) (1) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE**  
18 **DEPARTMENT SHALL SUBMIT A COMPREHENSIVE STATISTICAL REPORT TO THE**  
19 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**  
20 **ARTICLE, THE GENERAL ASSEMBLY THAT IS BASED ON THE REPORTS**  
21 **REQUIRED UNDER SUBSECTIONS (A), (B), AND (C) OF THIS SECTION.**

22                   **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**  
23 **SUBSECTION SHALL:**

24                   **(I) PROVIDE FOR THE CONFIDENTIALITY OF PATIENTS AND**  
25 **PHYSICIANS; AND**

26                   **(II) BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING.**

27           **(E) A REPORT REQUIRED UNDER SUBSECTIONS (A), (B), AND (C) OF**  
28 **THIS SECTION:**

29                   **(1) IS NOT A PUBLIC RECORD; AND**

30                   **(2) IS CONFIDENTIAL, EXCEPT THAT DISCLOSURE SHALL BE**  
31 **MADE TO FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCIES IN**  
32 **ACCORDANCE WITH A COURT ORDER.**



1 (ii) Certified to participate in the Medicare program, as enacted  
2 by Title XVIII of the Social Security Act; **OR**

3 **(42) FAILS TO COMPLY WITH THE PROVISIONS OF § 20-217 OF THE**  
4 **HEALTH – GENERAL ARTICLE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2011.